

REMARKS

By this amendment, claims 1 and 16 have been amended. Support for the amendments to the claims can be found in the specification and drawings as originally filed. Claims 1-3 and 6-17 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is requested.

Rejection under 35 U.S.C. §103

Claims 1-3, 6-8 and 10-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (US Patent Publication No. 2001/0018771; hereafter **Walker**) in view of Gerba et al (US Patent Publication No. 5,931,908; hereafter **Gerba**) in further view of Macrae et al (US Patent Publication No. 2002/0059602; hereafter **Macrae**). With respect to claim 1, applicant respectfully traverses this rejection on the grounds that the **Walker**, **Gerba** and **Macrae** references are defective in establishing a prima facie case of obviousness.

Independent claim 1, as now presented, more clearly recites, inter alia, the specific feature limitation of "wherein ... providing a query response comprises ... predicting a type of information that the consumer desires more information about; retrieving the stored anticipatory complementary information *according to* information of the *predicted type*; and providing the anticipatory complementary information as the query response, wherein *if* the *predicted type information* of the query response is not information *desired* by the consumer, *then responsive to* additional queries, *providing* additional anticipatory complementary information *until correct desired* information is *provided* via the complementary information of the query response" (emphasis added). Support for the amendments to claim 1 (as well as amendments to claim 16) can be found in the specification at least on page 9, lines 4-9; page 10, lines 25-30; page 20, lines 9-12 and 16-19; page 22, lines 8-11.

Applicant submits that neither Walker, Gerba nor **Macrae** discloses at least the aforementioned specific feature limitation of independent claim 1. In particular, it is submitted that the tertiary citation to **Macrae** does not remedy the deficiency in the primary and secondary citations to **Walker** and **Gerba**. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Walker, Gerba** and **Macrae** is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action concedes that the primary and secondary citations to **Walker** and **Gerba** fail to disclose anticipating information that might be requested by the user in response to the consumer profile data collected and stored in user data tables (Office Action, page 4). Nonetheless, the Office Action rejects in dependent claim 1, contending that the tertiary citation to **Macrae** provides this necessary disclosure (Office Action, page 4). It is further submitted that the primary and secondary citations to **Walker** and **Gerba** fail to disclose the above-mentioned specific feature limitation of independent claim 1, as amended. Accordingly, the contention that **Macrae** provides necessary disclosure is respectfully traversed, further in view of the amendments to claim 1.

Macrae, at paragraphs [0053] and [0057], teaches a method for implementing a miniguide that includes, *customized advertisements* based on a viewer's profile information. Each time the viewer interacts with the television, miniguide, EPG, Internet, and any other sources of information external to the EPG, the EPG records the viewer's actions and the circumstances surrounding those actions. The EPG also records information surrounding the viewer's interaction with external sources of information, such as the Internet. For instance, the EPG records each search query criteria initiated by the viewer, the Search Engine used to make the search, the items selected by the viewer from the search response, interaction by the user with Internet sites, and viewer interactions with the EPG during the same time-frame as the viewer interacts with the Internet. However, the customized advertisements of **Macrae** cannot reasonably be interpreted to disclose "predicting a type of information [*i.e., relating to the video*]

program] that the consumer desires more information about; retrieving the stored anticipatory complementary information *according to* information of the *predicted type*; and providing the anticipatory complementary information as the query response, wherein *if the predicted type information* of the query response is not information *desired* by the consumer, *then responsive to* additional queries, *providing* additional anticipatory complementary information *until correct desired* information is *provided via* the complementary information of the query response" of the aforementioned *specific feature limitation* of independent claim 1. Thus, **Macrae** does not add anything that would remedy the aforementioned deficiency in **Walker** and **Gerba**. Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. §103(a) are respectfully requested.

Claim 16 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 16 is believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Claim 17 depends from and further limits allowable independent claim 17 and therefore is allowable as well. Withdrawal of the rejection is respectfully requested.

Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (US Patent Publication No. 2001/0018771; hereafter **Walker**) in view of Gerba et al (US Patent Publication No. 5,931,908; hereafter **Gerba**) in further view of Macrae et al (US Patent Publication No. 2002/0059602; hereafter **Macrae**) in further view of Basu (US Patent No. 6,219,640; hereafter **Basu**). Applicant respectfully traverses this rejection for at least the following reasons. Claim 9 depends from and further limits allowable independent claim 1 and therefore is allowable as well. Withdrawal of the rejection is respectfully requested.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims, the specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

The matters identified in the Office Action of August 18, 2010 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-3 and 6-17 is requested.

Respectfully submitted,

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